

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Steven Sheeran & Kelly Sheeran h/w

(b) County of Residence of First Listed Plaintiff Philadelphia, PA

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

Bruce D. Zeidman, Esq., Cofsky & Zeidman, LLC
209 Haddon Ave., Haddonfield, NJ 08033
856-429-5005

DEFENDANTS

Chartworld Shipping Corp.
Inchcape Shipping Services
ABC Companies & John Does

County of Residence of First Listed Defendant N/A: Monrovia, Liberia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Charles P. Neely, Esq. (for Chartworld Shipping Corp.)
Palmer Biezup & Henderson LLP, 330 Market St., Camden, NJ 08102
856-428-7717; cneely@pbh.com

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input checked="" type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC Sec. 1332 Diversity

Brief description of cause:

Longshoreman's Personal injury action against a vessel under 33 USC Sec 905(b)**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. IN EXCESS OF 75,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE 9/2/14

SIGNATURE OF ATTORNEY OF RECORD

Charles P. Neely

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STEVEN SHEERAN and
KELLY SHEERAN, his wife,

Plaintiffs,

v.

M/V SWAN CHACABUCO, ABC
COMPANIES, (fictitious names) 3-15, and
JOHN DOES 1-15 (fictitious names), and
CHARTWORLD SHIPPING CORP., and
INCHCAPE SHIPPING SERVICES

Defendants

CIVIL ACTION NO.:

NOTICE OF REMOVAL

**TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY:**

Defendant, Chartworld Shipping Corp., by and through their undersigned attorneys,
Palmer Biezup & Henderson LLP, respectfully aver as follows:

1. Plaintiffs Steven Sheeran and Kelly Sheeran, his wife, filed an Amended Complaint in the Superior Court of New Jersey for Camden County, New Jersey on or about April 9, 2014, under Docket Number L-239-14 naming, among others, Chartworld Shipping Corp. as a defendant. *See* Plaintiff's Amended Complaint attached hereto as *Exhibit "A."*

2. Defendant Chartworld Shipping Corp. ("CSC") received a copy of Plaintiff's Amended Complaint via certified mail in Glyfada, Greece on August 12, 2014. This was the earliest date on which defendant received notice of the existence of the Amended Complaint and the lawsuit against CSC. (*Exhibit "B"*)

3. Plaintiffs allege that Steven Sheeran, an employee of stevedore Gloucester Terminals, was injured on or about January 23, 2012, in the No. 4 cargo hold of the vessel M/V SWAN CHACABUCO due to an improperly maintained “tray” that was being used to discharge cargo. *See* Exhibit “A” at ¶¶ 7-8. Plaintiff’s allegations necessarily mean that plaintiff claims to have been working as a longshoreman employee of stevedore Gloucester Terminals while aboard the M/V SWAN CHACABUCO, *See Exhibit “A”* at ¶¶ 1,7-8.

4. Plaintiffs allege that at the time of the alleged accident, the subject vessel, M/V SWAN CHACABUCO, was located alongside the Gloucester Terminals facility, Gloucester City, New Jersey which necessarily means that the vessel was in the Delaware River which is part of the navigable waters of the United States. *See Exhibit “A”* at ¶¶ 1.

5. Plaintiffs allege in the Amended Complaint that “Steven Sheeran was caused to suffer injuries which are and may be serious and permanent in nature, including but not limited to crush injuries to Plaintiff Steven Sheeran’s foot, including permanent nerve damage, as well as other injuries, which has caused him to endure great pain and suffering, loss of earnings and earning capacity, as well as to incur various medical expenses in an effort to cure himself, and will be required to do so in the future.” *See Exhibit “A”* at ¶ 11. Based on said allegations contained in ¶11 of Plaintiffs’ Amended Complaint, the amount in controversy exceeds the sum or value of \$75,000.

6. Plaintiff’s lawsuit is removable pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441(b) because there is diversity of citizenship between Plaintiffs and Defendant CSC, no Defendant properly joined and served is a citizen of New Jersey, and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

7. Plaintiffs are citizens and residents of the Commonwealth of Pennsylvania and reside at 1741 S. Newkirk Street, Philadelphia, Pennsylvania. *See Exhibit "A"*, introductory paragraph.

8. At all times material hereto Defendant Chartworld Shipping Corp. was and is a Liberian corporation with an office in Monrovia, Liberia and its principal place of business in Glyfada, Greece.

9. Defendant M/V SWAN CHACABUCO is a Bahamian Flag vessel with a port of registry in Nassau, Bahamas. The docket information from The New Jersey Superior Court for Camden County reveals the entry of an order dated August 8, 2014 **dismissing** defendant M/V SWAN CHACABUCO from the case on a without prejudice basis. (Docket information attached as *Exhibit "B"*).

10. At all times material hereto Defendant Inchape Shipping Services is an Alabama corporation with its principal place of business in Mobile, Alabama.

11. Upon information and belief, Defendant Inchape Shipping Services has not been served with the Summons and Amended Complaint in this matter. No lawyers have entered an appearance for said defendant in the action pending in Superior Court of New Jersey for Camden County. See the docket information from The New Jersey Superior Court for Camden County attached as *Exhibit "C"* which confirms no attorneys have entered for any Defendant in this matter.

12. Defendants ABC Companies 1-15 have not been identified and, therefore have not been served with a Summons and Amended Complaint in this matter. Under the law, an unidentified fictitious defendant is ignored for the purposes of removal.

13. Defendants John Does 1-15 have not been identified and, therefore have not been served with a Summons and Amended Complaint in this matter. Under the law, an unidentified fictitious defendant is ignored for the purposes of removal.

14. The sum in controversy, exclusive of interest and costs, exceeds \$75,000 based on the injuries, losses and damages claimed by Plaintiff in ¶ 11 of the Amended Complaint. *See Exhibit "A"* at ¶ 11.

15. Alternatively, a claim by a longshoreman like plaintiff Steven Sheeran for alleged personal injuries sustained while working aboard a vessel located within the navigable waters of the United States is within the admiralty or maritime jurisdiction of this Court, which has original jurisdiction over such a case as set forth in 28 U.S.C. § 1333(1).

16. Plaintiffs' lawsuit is removable as provided by 28 U.S.C. § 1441(a), inasmuch as this Court has original jurisdiction of any case of admiralty or maritime jurisdiction and no Act of Congress expressly prohibits removal of this lawsuit.

17. Alternatively Plaintiffs' claims were necessarily brought pursuant and subject to the provisions and limitations of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq. ("LHWCA") and, in particular, pursuant and subject to 33 U.S.C. § 905(b), which provides a longshoreman's exclusive remedy against a vessel. Therefore, Plaintiffs' lawsuit is based on and subject to a claim or right arising under the laws of the United States and

such claim or right is within the original jurisdiction conferred on the district courts of the United States by 28 U.S.C. § 1331.

18. Plaintiffs' lawsuit is removable as provided by 28 U.S.C. § 1441(a), inasmuch as this Court has original jurisdiction of a case based on and subject to a claim or right arising under the laws of the United States (28 U.S.C. § 1331) and no Act of Congress expressly prohibits removal of this lawsuit.

19. Removal is timely because this Notice of Removal is being filed within 30 days of August 12, 2014, the earliest date on which defendant Chartworld Shipping Corp. received notice of the Amended Complaint. *See* 28 U.S.C. § 1446(b).

20. Consent for removal is not required from defendant Inchcape Shipping Services because, upon information and belief, defendant Inchcape Shipping Services has not been served with the Summons and Amended Complaint. Defendant M/V SWAN CHACABUCO was dismissed as a defendant on August 8, 2014. (*Exhibit "B"*)

21. Venue is properly laid in this district because Plaintiff alleges that the events giving rise to his claim occurred in this district, 28 U.S.C. § 1391(b), and this lawsuit is being removed from the Superior Court of New Jersey for Camden County, New Jersey. 28 U.S.C. § 1441(a).

22. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendants are attached hereto. *See* Exhibit "D".

WHEREFORE, Defendants remove to this Honorable Court the action now pending in the Superior Court of New Jersey for Camden County, New Jersey under Docket Number L-239-14.

Respectfully submitted,

PALMER BIEZUP & HENDERSON LLP

By: /s/Charles P. Neely

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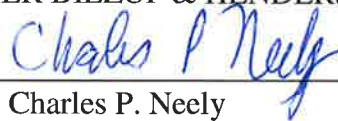
Attorneys for Defendant
Chartworld Shipping Corp.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal was served on September 2, 2014, by first-class mail, postage prepaid, addressed to:

Bruce D. Zeidman, Esq., Esquire
Cofsky & Zeidman, LLC
209 Haddon Avenue
Haddonfield, NJ 08033
Attorneys for Plaintiffs

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By: 
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